IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5463 of 1990

For Approval and Signature:

HON'BLE MR.JUSTICE M.S.SHAH
and
HON'BLE MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

M/S. BHARAT YATRA SANGH

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 5463 of 1990
MR JASHBHAI P PATEL for Petitioner No. 1
MR SIRAJ GORI AGP for Respondent No. 1
RULE SERVED for Respondent No. 2
PARTY-IN-PERSON for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE M.S.SHAH
and
HON'BLE MR.JUSTICE A.M.KAPADIA

Date of decision: 05/05/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE M.S.SHAH)

Heard Ms. Desai learned counsel for the petitioner and Mr. Siraj Gori, learned AGP for respondent No.1 - State of Gujarat.

2. In view of the passage of time, the petition has become infructuous because the question whether the petitioner is required to pay additional tax was determined against the petitioner and the petitioner had already paid the amount of Rs.8,000/- and odd amount.

Looking to the smallness of the amount involved in the matter and the fact that the petition has become infructuous as stated above, we are not inclined to go into the merits of the petition. But we would reserve liberty to the petitioner to raise similar challenge in future in case it becomes so necessary for the petitioner.

Rule is accordingly discharged with no order as to costs.

(M.S. Shah, J.)

(A.M. Kapadia, J.)

(karan)